

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, JANUARY 20, 1998
AT 9:00 A.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Golding at 10:13 a.m. Mayor Golding recessed the regular meeting at 10:38 a.m. to convene the Housing Authority. The meeting was reconvened by Mayor Golding at 10:40 a.m. with all Council Members present. Mayor Golding recessed the regular meeting at 10:41 a.m. to convene the Special Redevelopment Agency. The meeting was reconvened by Mayor Golding at 10:42 a.m. with all Council Members present. The meeting was recessed by Mayor Golding at 12:23 p.m.

The meeting was reconvened simultaneously with the Housing Authority at 2:09 p.m. by Mayor Golding, with all Council Members present. Mayor Golding adjourned the meeting at 2:25 p.m. to meet immediately in Closed Session in the twelfth floor conference room to discuss anticipated litigation and conference with Real Property Negotiator.

ATTENDANCE DURING THE MEETING:

- (M) Mayor Golding-present
- (1) Council Member Mathis-present
- (2) Council Member Wear-present
- (3) Council Member Kehoe-present
- (4) Council Member Stevens-present
- (5) Council Member Warden-present
- (6) Council Member Stallings-present
- (7) Council Member McCarty-present
- (8) Council Member Vargas-present
- Clerk-Abdelnour (lw/ms)

FILE LOCATION: MINUTES

ITEM-300: ROLL CALL

Clerk Abdelnour called the roll:

- (M) Mayor Golding-present
- (1) Council Member Mathis-present
- (2) Council Member Wear-present
- (3) Council Member Kehoe-present
- (4) Council Member Stevens-present
- (5) Council Member Warden-present
- (6) Council Member Stallings-present
- (7) Council Member McCarty-present
- (8) Council Member Vargas-present

PUBLIC COMMENT:

ITEM-PC-1:

Don Stillwell commented on bonds, currency and who profits. He said the citizens should question why the City Council has authorized \$1 million in bonds between 1993 and 1996 without voter approval. He then gave his thanks to Council Member McCarty, Mayor Golding, City Attorney Casey Gwinn and City Manager Michael Uberuaga.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A041-065.)

ITEM-PC-2:

Scott McLachlan commented on naming rights for Qualcomm and other stadiums and the price paid and the length of time these deals were for.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A066-098.)

ITEM-PC-3:

Karen Longstreth commented on trigger locks and the ordinance requiring all firearms to be sold with these locks. She asked that action be taken to enforce this ordinance. Ms. Longstreth said this is an issue of child and family safety.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A099-118.)

ITEM-PC-4:

Mel Shapiro commented on Housing Commissioner appointments. He said two commissioners' terms expired in December and one in January, yet they are still involved and voting. He hopes that the commissioners appointed to these seats will be competent.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A119-144.)

ITEM-PC-5:

Mark Mischon presented Council Member Kehoe with a plaque from the HIV Consumer Council for her ongoing and general support in the community for HIV infected and impacted communities.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A145-168.)

COUNCIL COMMENT:

ITEM-CC-1:

Mayor Golding said she supports Council Member Warden's comments regarding Qualcomm Stadium and the naming rights. She said when a decision like that is made statistics from across the country are considered. And for a stadium as old as ours, we were fortunate to have a San Diego-based company such as Qualcomm pay as much as they did. She also stated that paying in cash increases the value of money. Mayor Golding said this was a fair deal for both Qualcomm and the City.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A169-190.)

ITEM-CC-2:

Council Member Stevens announced that this past Monday, city staff completed the first phase of installing signs naming Highway 94 "Martin Luther King Freeway 94." He thanked the Mayor and members of the Council for their support in allocating funds for this purpose.

Council Member Stevens made a point that the signs were

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A191-202.)

ITEM-30: APPROVED

Approval of Council Minutes for the Meetings of:

12/22/97 Adjourned
12/23/97 Adjourned
12/29/97 Adjourned
12/30/97 Adjourned
1/5/98 Adjourned
1/6/98 Adjourned

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A203-209.)

MOTION BY KEHOE TO APPROVE. Second by Stevens. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-31:

SUBJECT: Proclaiming Roy Houtz Day.

COUNCILMEMBER WARDEN'S RECOMMENDATION:

Adopt the following resolution:

(R-98-732) ADOPTED AS RESOLUTION R-289647

Congratulating Roy Houtz for his tireless efforts and dedication in serving all businesses within the community of Rancho Bernardo;
Proclaiming Tuesday, January 20, 1998 to be "Roy Houtz Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A210-250.)

MOTION BY STALLINGS TO ADOPT. Second by Mathis. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-100:

SUBJECT: Two actions related to the Final Subdivision Map of
Torrey Hills Unit No. 2.

(An 81-lot subdivision. Carmel Valley Community Area.
District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-98-608) ADOPTED AS RESOLUTION R-289648

Authorizing a Subdivision Improvement Agreement with
Shea Homes Limited Partnership, for the installation
and completion of public improvements.

Subitem-B: (R-98-607) ADOPTED AS RESOLUTION R-289649

Approving the final map.

CITY MANAGER SUPPORTING INFORMATION:

This map proposes the subdivision of a 27.430 acre site into 81 lots for residential development. It is located south of Carmel Mountain Road in the Carmel Valley Community Plan Area. On March 17, 1997 the Council of the City of San Diego approved Vesting Tentative Parcel Map VTPM-95-0554, Torrey Hills by Resolution No. R-288438 for Torrey Hills Unit No. 2 Subdivision. The City Engineer has approved the final map and states that all conditions of the Tentative Map have been satisfied. The public improvements required for this subdivision are shown in detail on Drawing Nos. 28673-1-D through 28673-15-D, filed in the Office of the City Clerk under Micro Number 139.51. The improvements are to be completed within two years. The Engineer's estimate for the cost of public improvements is \$885,541.36 and a Performance Bond in that amount has been provided as surety. A cash bond in the amount of \$27,000, as determined by the surveyor's estimate, has been posted as surety for the setting of survey monuments. This subdivision is located in the Carmel Valley Facilities Benefit Assessment (FBA) District, which provides for the payment of FBA (including parks), at the time of building permit issuance. This community may be subject to impact fees, as established by the City Council, at the time of issuance of building permits. Development on any property within this map shall pay the fees as set by the City Council and in effect in the community at the time of building permit issuance. Fees will be paid at the time the building permit is issued. Subdivider, by letter, has given assurance to the City of San Diego that he subscribes to the Affirmative Marketing Program as shown in the

Memorandum of Understanding between the San Diego Building Industry Association and U.S. Department of Housing and Urban Development.

FILE LOCATION: Subitems A,B: SUBD - Torrey Hills Unit
No. 2 CONFY98-1

COUNCIL ACTION: (Tape location: A252-315.)

CONSENT MOTION BY STALLINGS TO ADOPT. Second by Warden.
Passed by the following vote: Mathis-yea, Wear-yea,
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,
McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-101:

SUBJECT: Two actions related to the Encanto and Valencia Park
Trunk Sewer - Easement Set Aside/Abandonment.
(Lincoln Park and Southcrest Neighborhoods.
Districts-4 and 8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-98-710) ADOPTED AS RESOLUTION R-289650

Setting aside a public sewer easement in City-owned
Lots 218 and 219 of Sunshine Gardens per Map-1804.

Subitem-B: (R-98-735) ADOPTED AS RESOLUTION R-289651

Vacating the following sewer easements in Assessor
Parcel No. (A.P.N.): 547-280-29, 551-210-29,
547-311-01, 547-621-30, 547-625-44, 546-313-18,
547-200-52, 547-250-05, 547-020-13, 551-480-26,
551-480-04, 551-480-05, 551-480-26, 551-380-17,
551-380-26, 551-380-32, 552-450-04, 552-450-05, and
552-010-07.

CITY MANAGER SUPPORTING INFORMATION:

The Encanto and Valencia Park Trunk Sewer Projects respectively replaced an existing 21 and 27 inch trunk sewer from Euclid Avenue and Market Street to Beta and Birch Streets, and the existing Valencia Park Trunk Sewer from Harbor Drive to Euclid Avenue. Inasmuch as both of the existing sewer lines were operational, it was agreed that the existing sewer easements would be abandoned once the new sewer lines were constructed and placed into operation. The projects are now complete and in operation and the prior easements are no longer in use. The value of the abandoned easement was deducted from the fair market

value paid to property owners for conveying the new easement. The easements which are to be abandoned are identified on Drawing Numbers 26496-D, 26547-D and 26362-D, pages 1 through 9. Additionally, a portion of the new alignment for the Encanto Trunk Sewer crosses City-owned Lots 218 and 219 of Sunshine Gardens and requires a resolution which sets aside the alignment for public sewer purposes as specified on Drawing Number 28294-D. The easements have been reviewed by all affected City departments and all have concluded there is no present or prospective public need. Therefore, it is recommended that the easements be abandoned by resolution and a portion of Lots 218 and 219 be set aside for public sewer purposes.

FILE LOCATION: Subitems A,B: DEED F-7151 DEED FY98-2

COUNCIL ACTION: (Tape location: A252-315.)

CONSENT MOTION BY STALLINGS TO ADOPT. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-102:

SUBJECT: Sustainable Community Planning Grant Program.

(Chollas View, Emerald Hills, Lincoln Park and Valencia Park Neighborhoods. District-4.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-746) ADOPTED AS RESOLUTION R-289652

Authorizing the City Manager to accept and expend funds from the State Energy Resources Conservation and Development Commission in the amount of \$40,000 for the purpose of formulating a strategy and step by step methodology to market sustainable development in the San Diego Enterprise Community;

Authorizing the City Manager or his designee to execute all documents, including contracts, agreements and amendments necessary to implement and carry out the purpose of the funding grant.

CITY MANAGER SUPPORTING INFORMATION:

On July 2, 1997, the California Energy Commission in collaboration with the City of San Diego applied to the Department of Energy's Sustainable Community Planning Grant

Program for \$40,000. This grant will allow the City to formulate a strategy and step by step methodology to market sustainable development in the San Diego Enterprise Community. It will also allow the Euclid PLACE S Revitalization Program to move from plant to construction and allow the Enterprise Community to realize a portion of its goals for more affordable housing, a wider range of housing types, job training, child care, health care, better public facilities, creek restoration and neighborhood policing. A second purpose of the project is to generate a package of transferrable "how to" products for use by other EZ/EC communities. The market strategy and market research data will be developed for the 500-acre area addressed in the Euclid Avenue Trolley Station Community Preferred Plan. Special attention will be focused on the Market Street corridor between Euclid Avenue and the 47th Street transit station where most of the development is likely to occur.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A252-315.)

CONSENT MOTION BY STALLINGS TO ADOPT. Second by Warden.
Passed by the following vote: Mathis-yea, Wear-yea,
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,
McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-103:

SUBJECT: Lease Amendment - House of Hospitality Association,
Inc.

(Balboa Park Community Area. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-731) ADOPTED AS RESOLUTION R-289653

Authorizing the execution of a first amendment to the lease agreement with the House of Hospitality Association, Inc., for the City to accept a temporary assignment of the Lumen Hospitality LLC, sublease so that the City may enforce the terms of the lease to expedite the timely opening of the Terrace on the Prado restaurant.

CITY MANAGER SUPPORTING INFORMATION:

City staff and the House of Hospitality Association negotiated a lease with Lumen Hospitality to develop and operate a restaurant in the newly reconstructed House of Hospitality. City staff also

negotiated a new master lease with the House of Hospitality Association to maintain and operate the building. The master lease provided that the restaurant lease would become a sublease of the House of Hospitality Association on October 1, 1997. Due to delays in the restaurant being developed and opened, the House of Hospitality Association requests the City to accept a temporary assignment of the Lumen Hospitality lease. The purpose of the assignment is that the City has more staff and resources than the Association to enforce the terms of the restaurant lease to ensure that Lumen does the tenant improvements and opens the restaurant soon, or else to terminate the lease with Lumen. Under the terms of the proposed temporary assignment, the House of Hospitality Association will retain any rents paid by Lumen to help cover the cost of operating and maintaining the building.

FILE LOCATION: LEAS - House of Hospitality
Association, Inc. LEASFY98-1

COUNCIL ACTION: (Tape location: A252-315.)

CONSENT MOTION BY STALLINGS TO ADOPT. Second by Warden.
Passed by the following vote: Mathis-yea, Wear-yea,
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,
McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-104:

SUBJECT: Second Amendment to Lease - Jesse and Carol Gonzalez.

(See City Manager CMR-98-02. Centre City East
Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-726) RETURNED TO CITY MANAGER

Authorizing the City Manager to enter into a Second
Amendment to Lease Agreement, with Jesse and Carol
Gonzalez for a small food market and restaurant at
945-51 12th Avenue, San Diego, CA.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A252-315.)

CONSENT MOTION BY STALLINGS TO RETURN TO THE CITY MANAGER AS
REQUESTED BY DEPUTY MAYOR WEAR IN ORDER TO WORK ON
NEGOTIATING TERMS THAT WOULD PROVIDE GREATER FLEXIBILITY FOR
THE SALE OF THE PROPERTY OR SHORT TERM LEASE ARRANGEMENTS.
Second by Warden. Passed by the following vote:

Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea,
Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-105:

SUBJECT: Luce, Forward, Hamilton & Scripps Day.

COUNCILMEMBER VARGAS'S RECOMMENDATION:

Adopt the following resolution:

(R-98-764) ADOPTED AS RESOLUTION R-289654

Proclaiming February 12, 1998 to be "Luce, Forward,
Hamilton and Scripps Day" in San Diego, to honor the
firm's 125th anniversary.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A252-315.)

CONSENT MOTION BY STALLINGS TO ADOPT. Second by Warden.
Passed by the following vote: Mathis-yea, Wear-yea,
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,
McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-200:

SUBJECT: Amendment No. 3 to the Agreement with Malcolm Pirnie,
Inc. for the Alvarado Water Treatment Plant Expansion
Project - Phase I.

(Navajo Community Area. District-7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-749) ADOPTED AS RESOLUTION R-289655

Authorizing an Amendment No. 3 to the Agreement with
Malcolm Pirnie, Inc. for additional engineering
services for the Alvarado Water Treatment Plant
Expansion Project - Phase I, for an amount not to
exceed \$2,287,614;

Authorizing the transfer of not to exceed \$1,314,000
within Water Revenue Fund 41500 as follows: \$487,000
from CIP-73-253.0, Lake Hodges Pump Plant; \$73,000 from
CIP-73-330.0, Mission Valley Aquaculture Demolition;

\$14,000 from CIP-73-304, Reservoir Management; \$161,000 from CIP-73-831.7, Lead Service Group 507; \$55,500 from CIP-73-893.3, Belmont Park Water Main Replacement; \$11,000 from CIP-73-840.6, Group 509 Lead Service Replacement; \$79,500 from CIP-73-840.7, Group 512 Water Main Replacement; \$186,500 from CIP-73-843.8, (Group 531B, I-15 and 40th Street Phase II); \$76,000 from CIP-73-845.4 (Fairmount Avenue Water Main Replacement) \$14,000 from CIP-73-845.6, Pump Station 61 Force Main;

\$20,500 from CIP-73-846.0, Plaza de Panama Fountain; \$5,500 from CIP-73-846.7, Group Rio Vista West, and \$130,500 from CIP-74-910.0, Boat Launching Facility - San Vicente, to CIP-73-261.0 - Alvarado Filtration Plant - Upgrade and Expansion, for the purpose of funding this contract amendment and a future contract for construction management services;

Authorizing the expenditure of an amount not to exceed \$2,287,614 from Water Revenue Fund 41500, CIP-73-261.0 - Alvarado Filtration Plant - Upgrade and Expansion, provided that the City Auditor first furnishes a certificate demonstrating that the necessary funds are, or will be on deposit in the City Treasury; authorizing the City Auditor and Comptroller upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserve.

CITY MANAGER SUPPORTING INFORMATION:

On May 11, 1992, the City Council awarded an engineering contract to the joint venture of Powell Associates/Malcolm Pirnie, Inc. for design services of the Alvarado Water Filtration Plant Upgrade and Expansion (RR-279918). On June 27, 1994, the City Council executed an Amendment No. 1 (RR-284172) with Powell/Pirnie, to provide engineering design services to upgrade the Lake Murray and College Ranch Pump Stations, develop multiple construction packages for the plant upgrade and expansion, review shop drawings, provide engineering support for construction of the Alvarado Reservoirs and amend the Water Quality Report to include new regulations.

On May 27, 1997, the City Council executed an Amendment No. 2 (RR-288703) with Malcolm Pirnie, Inc., to continue providing additional construction and engineering services for Filter Valves and Ammonia System Improvements, maintenance of plant operations, development of Contract Documents, fee adjustments for Amendment No. 1, and environmental monitoring and project management for Fiscal Year 1997, relating to the Alvarado Filtration Plant Upgrade and Expansion.

This Amendment No. 3 will provide additional engineering services

to complete Phase I of the Alvarado Expansion project to meet the future potable water needs of the service area of the Plant. The Plant serves water to approximately 500,000 city residents each day. This Amendment will provide the engineering design services necessary to complete Phase I of the project which will increase Plant capacity from 120 to 150 MGD. This additional capacity is needed to avoid the anticipated treated water shortfall in the region which is expected to occur in the year 2001.

In addition, the Plant is over 40 years old and is in need of modernization to allow for improved operation and maintenance, to meet the new standard and regulations set by EPA, and to achieve compliance with the State of California, DHS Compliance Order No. 04-14-96CO-022, adopted by the City Council on November 28, 1994, as Resolution R-284995. The project is part of the water system Capital Improvements Program approved by the City Council in August 1997 as part of the Strategic Plan for water supply.

Phase I consists of rehabilitation and construction of Lake Murray and College Ranch Pump Stations, Yard Piping, Filters, Rapid Mix Facility, Raw/Filtered Water Chemical Facilities and an upgrade of Power and Electrical systems. This project is scheduled to be advertised for construction by April 30, 1998. The contract amount of Amendment No. 3 is \$2,287,614.

Aud. Cert. 9800732.

FILE LOCATION: MEET CCONFY98-1

COUNCIL ACTION: (Tape location: A252-315.)

CONSENT MOTION BY STALLINGS TO ADOPT. Second by Warden.
Passed by the following vote: Mathis-yea, Wear-yea,
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,
McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-201:

SUBJECT: Regional Economic Development Strategy.

(See City Manager Report CMR-98-08.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-747) ADOPTED AS RESOLUTION R-289656

Expressing support for the formation and execution of the duties of "Partnership for the New Century Economy," a regional cluster-based economic development initiative, and declaring that the City will

participate on the Public Sector Roundtable of the initiative.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A358-B434.)

MOTION BY WEAR_TO_ADOPT THE MANAGER'S RECOMMENDATION.
Second by Kehoe. Passed by the following vote: Mathis-yea,
Wear-yea, Kehoe-yea, Stevens-yea, Warden-not present,
Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-330: RETURNED TO CITY MANAGER

(Continued from the meetings of April 15, 1997, Item 331, May 13, 1997, Item 333, July 15, 1997, Item 331 and October 21, 1997, Item 332; last continued at Acting City Manager Culbreth-Graft's request, for further review.)

SUBJECT: Four actions related to the Improvement of Alley Block 3, Fortuna Park, 1911 Improvement Act.
(Pacific Beach Community Area. District-2.)

NOTE: Hearing open. No public testimony taken.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-98-647)

Resolution of feasibility for the improvement of Alley Block 3, Fortuna Park under the provisions of the San Diego Municipal Code and the Improvement Act of 1911.

Subitem-B: (R-98-648)

Resolution ordering the work for the improvement of Alley Block 3, Fortuna Park under the provisions of the San Diego Municipal Code and the Improvement Act of 1911.

Subitem-C: (R-97-649)

Resolution approving the City Engineer's Report submitted in connection with the Improvement of Alley Block 3, Fortuna Park.

Subitem-D: (R-97-650)

Resolution adopting the plans and specifications for Alley Block 3, Fortuna Park under the provisions of the San Diego Municipal Code and the Improvement Act of 1911.

CITY MANAGER SUPPORTING INFORMATION:

This proposed public improvement is a property owner initiated project under the provisions of the Improvement Act of 1911. This act provides the means to install public improvements, apportion the cost of such improvements to the benefitting parcels of land and issue ten year, fully amortized bonds repaid in semiannual installment payments of principal and interest. The property owners reside in the block bounded by Pacific Beach Drive, Fortuna Avenue, Promontory Street and Ingraham Street. The proposed improvements include grading and eighteen inch (18") storm drain. Seventy percent (70%) of the property owners (measured by area) benefitting from this improvement have shown their support for the project. The owners of sixty-one percent (61%) of the property area have signed a petition requesting the improvements. Waivers of protest for alley improvements were obtained for nine percent (9%) of the property area. The waivers were obtained as a condition of approval of building permits, recorded with the County Recorder's office and are on file with the City of San Diego. The City recently conducted a postcard survey to determine the current property owner support for this project. This survey was warranted by the passage of time (more than two years) and a significant increase in the estimated costs of the improvements from those shown in the original petition (current estimated costs \$190,000; original estimated costs \$50,000). We mailed postcards to each of the twenty-five (25) property owners. The results of this property owner survey are as follows:

| | Parcel Area | Percentages Voting | Total |
|-------------|-------------|-----------------------|-------|
| No Response | 0.6888 | 0.0 | 28.6 |
| In Favor | 1.0308 | 60.0 | 42.8 |
| Opposed | .6888 | 40.0 | 28.6 |
| Total | 2.4084 | 100.0 | 100.0 |

FILE LOCATION: STRT - D-2298

COUNCIL ACTION: (Tape location: A252-315.)

CONSENT MOTION BY STALLINGS TO RETURN TO THE CITY MANAGER AS REQUESTED BY THE MAYOR FOR FURTHER REVIEW. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-331:

SUBJECT: North University City Financing Plan and Facilities Benefit Assessment.

(See City Manager Report P-97-118; Public Facilities Financing Plan and FBA, FY98 Draft; North University City FBA Alternatives; and Kevin T. Wirsing's 9/23/97 letters. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-358 Cor.) ADOPTED AS RESOLUTION R-289657

Designating an area of benefit in North University City; confirming the description of Public Facilities Projects, the Community Financing Plan and Capital Improvement Program with respect to the Public Facilities Projects; the method for apportioning the costs of the Public Facilities Projects among the parcels within the area of benefit and the amount of the Facilities Benefit Assessments charged to each parcel; the basis and methodology for assessing and levying discretionary automatic annual increases in Facilities Benefit Assessments; and ordering the proposed Public Facilities Project in the matter of the North University City Facilities Benefit Assessment Area.

LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:

On 9/24/97, LU&H voted 5-0 to: 1) Approve a North University City Public Facilities Financing Plan for Fiscal Year 1998; 2) adopt a Resolution of Intention to designate an area of benefit for a FBA in the North University City portion of the University City community planning area; 3) adopt a Resolution of Designation; and 4) direct staff to equalize FBA fees over a one-year period between commercial and residential. (Councilmembers Mathis, Wear, Kehoe, Stevens and Vargas voted yea.)

FILE LOCATION: STRT - FB-1

COUNCIL ACTION: (Tape location: B435-C190.)

Hearing began at 11:31 a.m. and halted at 11:55 a.m.

Testimony in opposition by Paul Robinson, Bill Doyle, and James Martin Del Campo.

Testimony in favor by Brian Seltzer and Matt Adams.

MOTION BY MATHIS TO ADOPT WITH DIRECTION TO STAFF TO WORK

WITH TRIZECHAHN IN ORDER TO MITIGATE THE IMPACT OF FEES. IN THE UPDATE PROCESS, STAFF IS DIRECTED TO CONSIDER WHICH PROJECTS ARE VIABLE AND WHICH ARE NOT. Second by Vargas. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-not present, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-nay.

ITEM-332:

SUBJECT: Two actions related to State Street (Ash Street to Juniper Avenue) Underground Utility District.

(Centre City and Uptown Community Areas. Districts-2 and 3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-98-618) ADOPTED AS RESOLUTION R-289658

Establishing the State Street (Ash Street to Juniper Avenue) Underground Utility District.

Subitem-B: (R-98-619) ADOPTED AS RESOLUTION R-289659

Authorizing the expenditure of an amount not to exceed \$100,000 from CIP-37-028.0, Annual Allocation - Undergrounding of City Utilities, for the purpose of administering the Underground Utility District, minor City force work and other related work.

CITY MANAGER SUPPORTING INFORMATION:

The proposed district is identified in CIP-37-028.0, Annual Allocation - Undergrounding of City Utilities, and will underground the overhead utility facilities on State Street (Ash Street to Juniper Avenue). The formation of this district will require the affected property owners to underground the utilities which provide service to their property prior to removal of the overhead utilities in the street. Council Policy 800-2 provides for the use of San Diego Gas and Electric Company's Annual Allocation Funds (Case-8209) to make reimbursement payments to affected property owners for a portion of the cost of their required undergrounding. Property owners are reimbursed based upon the length of their electrical service trench for electrical and conduit up to a maximum of \$1,800 per electric service lateral. In most cases, the reimbursement is sufficient to cover the entire cost for the trenching. Reimbursement does not include the cost of modifications to the electrical service box. This cost typically ranges from \$300 - \$1,500. A future request for a resolution will establish the date for removal of overhead

electrical services to all customers and will be submitted as the undergrounding work approaches completion.

Aud. Cert. 9800625.

FILE LOCATION: Subitems A,B: STRT - K-244

COUNCIL ACTION: (Tape location: A252-315/C546-593.)

Hearing began at 10:29 a.m. and recessed at 10:37 a.m.

Hearing reconvened at 12:20 p.m. and halted at 12:22 p.m.

Testimony in favor by John Stephens.

CONSENT MOTION BY STALLINGS TO ADOPT. Second by Warden.
Passed by the following vote: Mathis-yea, Wear-yea,
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,
McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-333:

SUBJECT: Two actions related to Market Street (12th Avenue to
26th Street) Underground Utility District.
(Sherman Heights Community Area. Districts-2 and 8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-98-622) ADOPTED AS RESOLUTION R-289660

Establishing the Market Street (12th Avenue to 26th
Street) Underground Utility District.

Subitem-B: (R-98-623) ADOPTED AS RESOLUTION R-289661

Authorizing the expenditure of an amount not to exceed
\$185,000 from CIP-37-028.0, Annual Allocation -
Undergrounding of City Utilities, for the purpose of
administering the Underground Utility District, minor
City force work and other related work.

CITY MANAGER SUPPORTING INFORMATION:

The proposed district is identified in CIP-37-028.0, Annual
Allocation - Undergrounding of City Utilities, and will
underground the overhead utility facilities on Market Street
(12th Avenue to 26th Street). The formation of this district
will require the affected property owners to underground the
utilities which provide service to their property prior to
removal of the overhead utilities in the street. Council Policy

800-2 provides for the use of San Diego Gas and Electric Company's Annual Allocation Funds (Case-8209) to make reimbursement payments to affected property owners for a portion of the cost of their required undergrounding. Property owners are reimbursed based upon the length of their electrical service trench for electrical and conduit up to a maximum of \$1,800 per electric service lateral. In most cases, the reimbursement is sufficient to cover the entire cost for the trenching. Reimbursement does not include the cost of modifications to the electrical service box. This cost typically ranges from \$300 - \$1,500. A future request for a resolution will establish the date for removal of overhead electrical services to all customers and will be submitted as the undergrounding work approaches completion.

Aud. Cert. 9800626.

FILE LOCATION: Subitems A,B: STRT - K-243

COUNCIL ACTION: (Tape location: C193-595.)

Hearing began at 11:56 a.m. and halted at 12:19 p.m.

Testimony in opposition by James Hughes.

Testimony in favor by Robert Lee, Louise Torio, Steve Veach, and David Swarens.

MOTION BY VARGAS TO ADOPT WITH DIRECTION TO REFER TO THE MANAGER THE ISSUE OF TRANSFORMERS, INCLUDING A DISCUSSION BETWEEN SDG&E AND THE MANAGER, AND THE ISSUE OF CONFIGURATION OF UNDERGROUND WIRING WITH REGARDS TO PROPERTY OWNED BY MR. ROBERT LEE. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-not present, Warden-not present, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-334:

SUBJECT: Revisions to Procurement Policies.

SAN DIEGO HOUSING COMMISSION'S RECOMMENDATION:

Adopt the following resolution:

(R-98-752) ADOPTED AS RESOLUTION R-289667

Declaring that the action of the San Diego Housing Commission on the approval of any contract for acquisition of goods or services involving the expenditure of more than \$250,000 by the Housing Commission shall be advisory only, and the matter shall

be referred to the Housing Authority for final action;

Declaring that the action of the San Diego Housing Commission on any lesser amount shall be considered final subject to the provisions of Municipal Code Section 98.0301(e) which provides for matters to be referred to the Housing Authority for review and action by motion of the Housing Commission Board, the Executive Director, by any three members of the City Council or the City Manager.

NOTE: See the Housing Authority Agenda of January 20, 1998 for a companion item.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C594-604, D003-189.)

MOTION BY WEAR TO ADOPT. Second by Stevens. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-nay, Vargas-nay, Mayor Golding-yea.

ITEM-S500:

(Continued from the meeting of January 12, 1998, Item 203, at Councilmember Kehoe's request, to see if the Retired Service Volunteer Patrol and Community Service Organization Groups would be interested in the trade-ins.)

SUBJECT: Awarding a Contract to Vince Dixon Ford, Inc. for 84 Police Patrol Vehicles.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-213) ADOPTED AS AMENDED AS RESOLUTION R-289662

Awarding a contract to Vince Dixon Ford, Inc., (Carlsbad, CA), for furnishing 84 police patrol vehicles (1998 Ford Crown Victoria Police Interceptors), at a cost of \$19,642.65 each, for a total estimated cost of \$1,649,982.60, including tax and terms, less the following trade-in allowance

| Quantity | Description | Trade-In Equipment Unit Allowance | Extension |
|----------|--------------------------|---|-----------|
| 1 each | 1987 Ford Crown Victoria | \$ 521 | \$ 521 |
| 16 each | 1992 Ford Crown Victoria | \$2,211 | \$ 35,376 |

| | | | |
|---------|--------------------------|---------|-----------|
| 26 each | 1993 Ford Crown Victoria | \$3,011 | \$ 78,286 |
| 27 each | 1994 Ford Crown Victoria | \$3,511 | \$ 94,797 |
| 2 each | 1995 Ford Crown Victoria | \$5,011 | \$ 10,022 |

Total Trade-In Allowance \$219,002

Authorizing the expenditure of not to exceed
\$1,558,854.25 from Fund No. 100, Dept. No. 110, Org.
No. 4001, Object Account No. 6013 and Job Order No.
004001;

Authorizing the Auditor and Comptroller, upon advice
from the administering department, to transfer excess
budgeted funds, if any, to the appropriate reserves.
(BID C6411/98)

CITY MANAGER SUPPORTING INFORMATION:

These vehicles are requested by the Police Department for use as patrol vehicles. Seventy-two are replacements for the vehicles being traded-in which all have mileage in excess of 100,000 miles. Five are replacements for vehicles which were damaged beyond cost effective repair and are being used as a source of replacement parts. Seven are additional vehicles which will be utilized by additional officers assigned to patrol. Forty-nine potential bidders were contacted; three bids were received. Bids were evaluated per bid specifications on the basis of the initial cost of the vehicles, trade-in allowances and terms of payment. Similar vehicles were purchased in October of 1996 from Bob Baker Ford. The proposed contract pricing is approximately 1 percent higher.

Aud. Cert. 9800685.

FILE LOCATION: PURCHASE CONTFY98-1

COUNCIL ACTION: (Tape location: A252-315.)

CONSENT MOTION BY STALLINGS TO ADOPT THE RESOLUTION WITH THE AMENDMENT THAT THE NEW CAR DEAL WILL INCLUDE FOURTEEN (14) USED POLICE CARS DEDICATED TO RSVP AS REQUESTED BY COUNCIL MEMBER KEHOE. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-S501:

SUBJECT: Acquisition of Konyn Parcel - Multiple Species
Conservation Program (MSCP).

(San Pasqual Valley Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-774) ADOPTED AS RESOLUTION R-289663

Authorizing the City Manager to execute an amendment to the escrow instructions, granting the extension of the escrow closing date in exchange for compensation in the amount of \$18,000 per month (based on an 8 percent return on the appraised property value) which will allow the City to maintain exclusive acquisition rights throughout an eight-month period through September 20, 1998, to the 362.99-acre parcel located at both sides of Bandy Canyon Road, approximately one-quarter mile westerly of Ysabel Creek Road, for inclusion in the Multiple Species Conservation Program (MSCP) adjacent to a watershed;

Authorizing the expenditure of not to exceed \$144,000 from Water Department Fund 41500, Unallocated Reserves (per Object Account No. 4638), for an eight-month extension of the escrow to acquire a 362.99-acre parcel of land in the San Pasqual Valley, for inclusion in the Multiple Species Conservation Program.

CITY MANAGER SUPPORTING INFORMATION:

On April 20, 1997, an escrow was opened with Continental Lawyers Title Company pertaining to the acquisition of the subject 362.99-acre parcel, for inclusion in the Multiple Species Conservation Program (MSCP) adjacent to the watershed. As of the escrow closing date of January 20, 1998, acquisition funds in the amount of \$2.7 million had yet to be identified. The Community and Economic Development Department is requesting up to an additional 8 months (through September 20, 1998) during which time a contractor will be selected, and land acquisition funds will be secured as part of the implementation program for the MSCP. The property owners have agreed to sign an amendment granting the extension of the escrow closing date in exchange for compensation in the amount of \$18,000 per month (based on an 8 percent return on the appraised property value). These payments will allow the City to maintain exclusive acquisition rights to the parcel throughout the 8-month period. The payments will not apply to the purchase price, however, if escrow is closed prior to September 20, 1998, any balance of extension funds will be applied to the purchase price, on a prorated basis, dependent upon the actual closing date. The \$144,000 is to be deposited with Continental Lawyers Title into Escrow No. 23424KE, with \$18,000 to be disbursed to the property owners on or before February 20, 1998, and subsequent payments (if applicable) to be made on the 20th of each month through September 20, 1998. Unused

portion would be refunded to the City upon cancellation.

Aud. Cert. 9800844.

FILE LOCATION: LAND - Multiple Species Conservation
Program (MSCP)

COUNCIL ACTION: (Tape location: A252-315.)

CONSENT MOTION BY STALLINGS TO ADOPT. Second by Warden.
Passed by the following vote: Mathis-yea, Wear-yea,
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,
McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-S502:

SUBJECT: Inviting Bids for Construction of the Metropolitan
Wastewater Department Maintenance Facilities
Relocation.
(Kearny Mesa Community Area. District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-508) ADOPTED AS RESOLUTION R-289664

Inviting bids for the construction of the Metropolitan
Wastewater Department Maintenance Facilities Relocation
on Work Order No. 174421;

Authorizing a contract with the lowest responsible
bidder, provided that the City Auditor first furnishes
a certificate demonstrating that funds necessary for
expenditure are, or will be, on deposit in the City
Treasury;

Authorizing the Auditor and Comptroller to transfer the
following amounts:

\$1,290,641 from Fund No. 41509, CIP-43-910.3, Program
Planning and Studies; \$484,456 from Fund No. 41509,
CIP-45-910.2, CWP Predesign and Engineering; and
\$114,372 from Fund No. 41509, CIP-45-925.0, MOC Energy
Upgrade; all transferred to Fund No. 41506,
CIP-46-196.0, Maintenance Facilities Relocation;

Authorizing the expenditure of not to exceed \$2,253,273
as follows:

\$2,172,013 from Fund No. 41506, CIP-46-196.0,
Maintenance Facilities Relocation Project to provide

funds for project construction and related costs; and \$81,260 from Fund No. 41506, CIP-46-193.0, Annual Allocation - Pooled Contingency, to provide funds for project contingency, provided that the City Auditor first furnishes a certificate demonstrating that funds necessary for expenditure are, or will be, on deposit in the City Treasury;

Authorizing the Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.
(BID-K98108)

CITY MANAGER SUPPORTING INFORMATION:

This project will include the following improvements:

Construction:

The construction improvements are specifically related to 9150 Topaz Way, Metropolitan Operation Center, MOC I Facility in Kearny Mesa. The project will begin in April 1998 and will be completed in late September 1998. This project will improve approximately 31,000 sq. ft. at the MOC I Facility for the Wastewater Collection Division, field and office staff. The construction will include the addition of new showers, restrooms and locker facilities for the Wastewater Collection Division field staff. Other improvements include demo of drywall, installation of new framing and drywall, upgrades to the fire sprinkler, heating/air conditioning replacement, electrical upgrades, telephone and data upgrades, improvements to the existing restroom facilities for ADA compliance and new carpet and paint.

Supplemental Construction:

The installation of a new electrical service feed for MOC I power requirements, will be performed by MWWD's Job Order Contractor, R.E. Hazard Contractors. This project includes installation of conduits from SDG&E's vault to MOC I and the installation of a new transformer pad.

Related Costs:

This request provides for funds for construction (\$1,675,211) and related costs associated with improvements to the MOC I office space described above. Other related costs are identified as In-House Engineering, Owner Controlled Insurance Program, Permitting, Asbestos Abatement (Using Environmental Services As-Needed Contractor), Construction and Project/Construction Management by MWWD and Sverdrup Kaiser Engineering.

Aud. Cert. 9800645.

FILE LOCATION: W.O. 174421 CONTFY98-1

COUNCIL ACTION: (Tape location: A252-315.)

CONSENT MOTION BY STALLINGS TO ADOPT. Second by Warden.
Passed by the following vote: Mathis-yea, Wear-yea,
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,
McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-S503:

SUBJECT: Inviting Bids for Construction of the Metropolitan
Operations Center (MOC 3) Expansion Project.

(Kearny Mesa Community Area. District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-659) ADOPTED AS RESOLUTION R-289665

Inviting bids for the construction of the Metropolitan
Operations Center (MOC 3) Expansion Project on Work
Order No. 173761;

Authorizing a contract with the lowest responsible
bidder, provided that the City Auditor first furnishes
a certificate demonstrating that funds necessary for
expenditure are, or will be, on deposit in the City
Treasury;

Authorizing the Auditor and Comptroller to transfer
\$380,000 from Fund No. 41509, CIP-45-910.3, Program
Planning and Studies, to Metro Fund No. 41508,
CIP-40-922.0, Metropolitan Operations Center Expansion

Authorizing the expenditure of not to exceed \$2,153,981
as follows:

\$2,093,406 from Metro Fund No. 41508, CIP-40-922.0,
Metropolitan Operation Center Expansion, to provide
funds for project construction and related costs; and
\$60,575 from Metro Fund No. 41508, CIP-46-501.0, Annual
Allocation - Pooled Contingency, to provide funds for
project contingency, provided that the City Auditor
first furnishes a certificate demonstrating that funds
necessary for expenditure are, or will be, on deposit
in the City Treasury;

Authorizing the Auditor and Comptroller, upon advice
from the administering department, to transfer excess
budgeted funds, if any, to the appropriate reserves.
(BID-K98109)

CITY MANAGER SUPPORTING INFORMATION:

This project is for improvement of the Central Support Facility in Kearny Mesa. This project will begin in April 1998 and will be completed by October 1998 using an advertise and award contract. This project at 9191 Kearny Villa Court will provide for the build out of a central repair facility, centralized warehousing, 6,000 sq. ft. of office space, locker room facilities, training room, an electrical shop and Store Room No. 64. In addition, the facility will undergo a seismic upgrade from Zone 3 to the current standard of Zone 4. This project also includes upgrades to the electrical service feed and the installation of telephone and data equipment and furnishing for the facility. The warehouse, machine shop, office and seismic improvements will be completed by the low responsible bidder. The electrical service upgrade will be performed by MWWD's Job Order Contractor, R.E. Hazard, and the telephone/data installation will be performed by San Diego Data Processing Corp. Any asbestos abatement will be performed by the City of San Diego, Environmental Services Program, Asbestos and Lead Management Section. The project will be supervised by MWWD, Program Management Division and construction management will be performed by Sverdrup/Kaiser Engineering.

Aud. Cert. 9800644.

FILE LOCATION: W.O. 173761 CONT - Greer Construction

COUNCIL ACTION: (Tape location: A252-315.)

CONSENT MOTION BY STALLINGS TO ADOPT. Second by Warden.
Passed by the following vote: Mathis-yea, Wear-yea,
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,
McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-CS-1: (R-98-770) ADOPTED AS RESOLUTION R-289668

A Resolution adopted by the City Council in Closed Session
on January 20, 1998:

Authorizing the City Manager to pay the sum of \$113,264.00
in the settlement of each and every claim against The City
of San Diego, its agents and employees resulting from
property damage claim of Nielsen Dillingham Builders; and
authorizing the City Auditor and Comptroller to issue one
check in the amount of \$113,264.00, made payable to Nielsen
Dillingham Builders, in full settlement of all claims.

FILE LOCATION: MEET

ITEM-CS-2: (R-98-771) ADOPTED AS RESOLUTION R-289669

A Resolution adopted by the City Council in Closed Session on January 20, 1998:

Authorizing the City Manager to pay the sum of \$73,051.73 in the settlement of each and every claim against The City of San Diego, its agents and employees resulting from property damage claim of La Jolla Beach & Tennis Club; and authorizing the City Auditor and Comptroller to issue one check in the amount of \$33,454.59 made payable to La Jolla Beach & Tennis Club, in full settlement of all claims.

FILE LOCATION: MEET

ITEM-CS-3: (R-98-772) ADOPTED AS RESOLUTION R-289670

A Resolution adopted by the City Council in Closed Session on January 20, 1998:

Authorizing the City Manager to pay the sum of \$43,819.39 in the settlement of each and every claim against The City of San Diego, its agents and employees resulting from property damage claim of Keith & Elizabeth Hofstetler; and authorizing the City Auditor and Comptroller to issue one check in the amount of \$43,819.39, made payable to Luth & Turley, Inc. in full settlement of all claims.

FILE LOCATION: MEET

NON-DOCKET ITEMS:
None.

ADJOURNMENT:

The meeting was adjourned by Mayor Golding at 2:25 p.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: D-189).